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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,199	05/31/2001	James M. Kain	20341-67618	9889

7590

06/11/2002

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EXAMINER

EDELL, JOSEPH F

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 06/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,199

Applicant(s)

KAIN, JAMES M.

Examiner

Joseph F Edell

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 6 is objected to because of the following informalities: "an ridge" (line 3) should read "a ridge". Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 18-20 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claims 18 and 20 recite the limitation "the inner panel" in lines 2-3 and lines 2-3, respectively. There is insufficient antecedent basis for this limitation in the claims.
5. Claims 18 and 20 recite the limitation "the outer panel" in line 4 and lines 3-4, respectively. There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 10-12, and 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,297,358 to Coutts et al.

Coutts et al. disclose a juvenile vehicle seat assembly that includes all the limitations recited in claims 1-3, 10-12, and 27-29. Coutts et al. show a juvenile vehicle seat assembly having a seat 10 (Fig. 1), a seat back 18 (Fig. 1), an armrest 25 (Fig. 1) with an arm and support mount, first and second fasteners 26 (Fig. 3) arranged above and below the arm, and upper and lower wings (see Figure 15).

8. Claims 1-3, 6, and 25 are rejected under 35 U.S.C. 102(a) as being anticipated by GB Publication No. 2350292 A to Lemmeyer et al.

Lemmeyer et al. disclose a juvenile vehicle seat assembly that includes all the limitations recited in claims 1-3, 6, and 25. Lemmeyer et al. show a juvenile vehicle seat assembly having a seat 10 (Fig. 1), a seat back 20 (Fig. 1) with side edges, an armrest 16 (Fig. 1) with an arm 21 (Fig. 1B) and a support mount that has a U-shaped channel 101 (Fig. 1B) formed in inner and outer flanges, and first and second fasteners 120 (Fig. 1B) arranged above and below the arm.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4, 5, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coutts et al.

Coutts et al. disclose a juvenile vehicle seat assembly that is basically the same as that recited in claims 4, 5, 30, and 31 except that the specific fastener are not specified, as recited in the claims. However, it would have been an obvious matter of design choice to make the fasteners having threaded barrels and screws with specific lengths, since such a modification would have involved a mere change in fastener type. A change in length and fastener types is generally recognized as being within the level of ordinary skill in the art.

11. Claims 13-17 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmeyer et al. in view of U.S. Patent No. 3,279,848 to Walker.

Lemmeyer et al. disclose a juvenile vehicle seat assembly that is basically the same as that recited in claims 13-17 and 21-24 except that the armrest lacks a load support panel, as recited in the claims. Walker shows a juvenile vehicle seat assembly similar to that of Lemmeyer et al. wherein the armrest 42 (Fig. 2) has a load support panel 49 (Fig. 1) to block pivotable movement of the armrest. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the juvenile vehicle seat assembly of Lemmeyer et al. such that the armrest has a load support panel, such as the seat assembly disclosed in Walker. One would have been motivated to make such a modification in view of the suggestion in Walker that the load support panel prevents unwanted rotation of the armrest.

12. Claims 18-20, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmeyer et al. in view of Walker as applied to claims 13-17 and 21-24 above, and further in view of Coutts et al.

Lemmeyer et al., as modified, disclose a juvenile vehicle seat assembly that is basically the same as that recited in claims 18-20, as best understood, except the support mount lacks upper and lower wings, as recited in the claims. Coutts et al. shows a juvenile vehicle seat assembly similar to that of Lemmeyer et al. wherein the support mount has upper and lower wings (see Figures 2 and 15). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the juvenile vehicle seat assembly of Lemmeyer et al. such that the support mount has upper and lower wings, such as the seat assembly disclosed in Coutts et al. One would have been motivated to make such a modification in view of the suggestion in Coutts et al. that the support mount having wings provides rigid connection.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to juvenile seat armrests:

U.S. Pat. No. 2,254,332 to Tibbetts	U.S. Pat. No. 2,536,326 to Thaden
U.S. Pat. No. 2,584,481 to Mast et al.	U.S. Pat. No. 2,605,811 to Zoranovich


U.S. Pat. No. 2,792,054 to Muoio


U.S. Pat. No. 4,076,307 to Nanba et al.

U.S. Pat. No. 5,294,182 to Colasanti

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


JE
June 6, 2002


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600